IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

State of Rajasthan Vs. Trilochan Singh & Ors.

S.B.CR. LEAVE TO APPEAL NO.328/2006

DATE OF ORDER :: August 09, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr. Vishal Raj Mehta, P.P. for the State.
Mr.M.K.Garg, for the respondents.

BY THE COURT:

State of Rajasthan has filed the leave to appeal against four persons namely Trilochan Singh, Megha Ram, Ram Pratap and Ramswaroop against the judgment and order of acquittal dt. 23.8.2006.

From perusal of the judgment and order impugned, it appears that accused-respondents Trilochan Singh, Megha Ram and Ramswaroop have been convicted for the offences under sections 13(1)(D) read with section 13(2) of the Prevention of Corruption Act, 1988 (for short the `the Act of 1988') and

section 120-B I.P.C. and sentenced and thus, there is no acquittal of these three persons. However, by impugned judgment, Ram Pratap has been acquitted. From perusal of the judgment and order impugned, it appears that respondents Trilochan Singh and Megha Ram have been acquitted for the offence under section 409/120-B I.P.C. However, they have been convicted for the offences under sections 13(1)(D) read with section 13(2) of the Act of 1988 and section 120-B I.P.C. and, therefore, leave to appeal against these two persons so far as their acquittal for the offence under section 409-120-B I.P.C., is concerned, is maintainable. So far as accused Ram Pratap is concerned, he has been acquitted for all the offences and as such, leave to appeal against him is also maintainable. So far as accused-respondent Ramswaroop is concerned, he has been convicted for the offence under section 13(1)(D) read with section 13(2) of the Act of 1988. In this view of the matter, leave to appeal against accused-respondent Ramswaroop son of Hazari Ram is not maintainable. Faced with this situation, learned Public Prosecutor has filed the amended cause title deleting the name of respondent No.4 Ramswaroop.

Heard learned Public Prosecutor for the State and the counsel appearing for the respondents. Perused the judgment and order impugned.

Having regard to the facts and circumstances of the case, I think it a fit case to grant leave to appeal to this Court against respondents No.1 Trilochan Singh and No.2 Megha Ram, who have been acquitted for the offence under section 409 read with section 120-B I.P.C. and respondent No.3 Ram Pratap, who has been acquitted for the offences under section 13(1)(D) and 13 (2) of the Act of 1988 and section 409 read with section 120-B I.P.C.

Accordingly,the leave to appeal to this Court is granted. The memo of leave to appeal be treated as memo of appeal. Let the appeal be registered on regular number.

Appeal admitted.

Mr.M.K.Garg appears for all the accused-respondents as he has filed an appeal being S.B.Cr.Appeal No.732/2006 on their behalf. Service is, therefore, complete.

Connect with S.B.Cr.Appeal No.732/2006.

(H.R.PANWAR),J.

m.asif/-